

SUBJECT: Sunset legislation for the Polygraph Examiners Board

COMMITTEE: Government Organization: committee substitute recommended

VOTE: 7 ayes--Collazo, G. Thompson, Bomer, Cary, Hinojosa,
Staniswalis, Tow

0 nays

1 present, not voting--Evans

3 absent--Gonzales, Henderson, Keese

WITNESSES: For--Michael Moore, Texas Retailers Association; Henry
Canty, Association of Polygraph Examiners; Wallace
Rash, Smith Protective Services, Inc.

Against--Michael D. Kradz, criminalist; Woodrow W. "Pepper"
Crowder, Texas Association of Stress Analysts.

SENATE
VOTE: 28 to 0 on motion to suspend rules

DIGEST: This "sunset" bill would make numerous changes in the Polygraph
Examiners Act. The six-person Polygraph Examiners Board
would include two public members with no relation to the
polygraph business (other than as consumers), two polygraph
examiners from government agencies, and two polygraph
examiners from the private sector. The Department of Public
Safety would administer the law through a contract with
the board.

The bill would add a section to the Act concerning confiden-
tiality of polygraph examination results. Information
acquired by an examination could be disclosed only to:

- the examinee or one designated by him,
- the entity that requested the examination,
- agents of governmental agencies which license, supervise,
or control polygraph examiners,
- other polygraph examiners in private consultations, and
- "others as may be required by due process of law."

SUPPORTERS
SAY: In general the bill includes the changes recommended by the
Sunset Advisory Commission. There is a need for a specialized
board to oversee the use of polygraphs.

The Polygraph Board should not be required to regulate voice
stress instruments. Those instruments are based on a
different, unproved technology. Voice stress analysts are
trying to gain legitimacy by associating with polygraph
operators. They should seek legislation for their own
board. Although the law may technically restrict voice
stress analysts, as a practical matter they are freely
marketing their skills now.

SUPPORTERS

SAY (cont.): county librarian. This bill would allow library science graduates of all six universities to be eligible for certification by the State Library and Archives Commission

OPPONENTS

SAY: It would be better to abolish the function of the State Board of Library Examiners along with the board itself. Why perpetuate unnecessary regulation? A review by the Sunset Advisory Commission staff did not reveal any serious risk of harm if county librarians were deregulated